



Recreation & Senior Services Department
3300 Newport Blvd
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**MARIAN BERGESON AQUATIC CENTER
RULES & REGULATIONS AND
CODE OF CONDUCT**

The Marian Bergeson Aquatic Center (MBAC) is operated and maintained under a Joint Powers Agreement between the Newport-Mesa Unified School District (District) and the City of Newport Beach (City). The following Rules and Regulations and Code of Conduct apply to use of the MBAC by approved users.

1. FACILITY RENTAL HOURS

- The MBAC is available for events during the following days/times:

SCHOOL YEAR

Monday–Friday 3 p.m. – 9 p.m.

Saturday–Sunday 6 a.m. – 9 p.m.

SCHOOL SUMMER VACATION & SCHOOL HOLIDAYS

Every day 6 a.m. – 9 p.m.

- **No event may start before 8 a.m. All events, including clean up, shall end by 9 p.m.** Note: during school summer vacation and school holidays, and on Saturday and Sunday during the school year, set up may begin at 6 a.m. Rental of the MBAC on legal holidays will be subject to staff availability and Recreation and Senior Services Department Director (Director) approval.
- Permits will be issued for the specific activities and exact hours specified on the approved application. Groups requiring time to set up, clean up and complete any additional preparation must include the entire time on the application. Usage must be within the allotted permit time and in the designated areas. It shall be the responsibility of the applicant to see that unauthorized areas of the MBAC are not being used and that the premises are vacated as scheduled.

2. FACILITIES INCLUDED

- Rental of the MBAC includes use of the pool, the pool deck, the restrooms and the parking lot (for parking purposes only.) Use of pool equipment and other services, e.g., lane lines, scoreboard, sound system, are not included and may

be reserved separately. Fees for equipment and other services are as set forth in the Rental Fees Schedule.

3. RESERVATION, CANCELLATION, AND PAYMENT

- All applications for MBAC reservations shall be made on the official Facility Use/Rental Application form provided by the Recreation & Senior Services Department. Applications may be submitted no more than 12 months in advance.
- A \$250 security deposit payable to the City of Newport Beach is due upon submission of Facility Use/Rental Application form. Deposit may **not** be applied toward facility rental fees. Pool equipment may be reserved separately, as set forth in the Rental Fees & Schedule.
- Payment in full of the entire rental fee is due no fewer than fourteen (14) regular City business days in advance of the rental date.
- Cancellation of a reservation must be done in writing. Security deposits are 100% refundable. The following cancellation charges will be assessed:

Number of regular City business days' notice	Cancellation charge
30 or more	0
14 to 29	\$250
4 to 13	50%
3 or fewer	100%

- In the event of cancellation by the City, notice will be given as far in advance of the scheduled use as possible under the circumstances and a full refund will be given.

4. INSURANCE REQUIREMENTS

- The City of Newport Beach is not liable for injury to persons or loss or damage of group or individual property during MBAC events. The City requires the applicant to furnish proof of the following insurance: a commercial general liability policy in the amount of \$1,000,000 naming the City of Newport Beach and Newport Mesa Unified School District as additional insureds. A Letter of Endorsement of said coverage must be provided to the City prior to the event.

5. FACILITY REQUIREMENTS

- The applicant must be present through the entire event.

- Upon arrival at the event, the applicant and City staff shall inspect the premises and sign a “Condition of Facility Report.” After the event, the applicant and City staff shall reinspect the premises and complete the “Condition of Facility Report”. This report is a checklist to document the condition of the MBAC before and after the event. City staff shall open and close the MBAC. The applicant will be charged for the total time for which staff is present.
- Facilities and equipment are to be left in the same condition as they were prior to the event. City/School equipment shall not be removed from the MBAC. The applicant is responsible for any damage to or loss of City or School District property. A fee equal to total replacement cost will be charged.
- The following is strictly prohibited at all times:
 - Smoking
 - Alcohol
 - Gambling
 - Glass bottles or containers
- The following noise regulations apply to all users:
 - No whistles may be used prior to 8 a.m.
 - No live music is allowed.
 - Amplifier, loudspeaker, public address system, amplified bullhorn or starter pistols may be used from 9 a.m. to 8 p.m. and require a City Special Events Permit and additional fees for use. See Section 6.
 - Amplified sound, if permitted, may be used for announcements and anthems only. Cheerleading over such systems is strictly prohibited.
- No structure may be erected or assembled on the premises.
- No extraordinary electrical, mechanical or other equipment is allowed at the MBAC without prior written approval from the Director.
- Use of the MBAC shall comply with all state and local fire, health and safety laws.
- For events that include minors, adult supervision is required at all times. The ratio of adults to minors is not less than 1:25. “Adult” means a person over 18 years old.
- No commercial advertising shall be exhibited and no solicitation or sales made at the MBAC without prior approval from the Director.
- Permits may not be transferred, assigned or sublet.

- Permission to use the MBAC is granted subject to observance of all applicable laws. Permission to use the MBAC may be revoked for any violations of these requirements. Future use of the MBAC by the group is contingent upon good care of the facilities and equipment and observance of all rules and regulations.

6. SPECIAL EVENT PERMITS

A City Special Event Permit or other City permit (SEP) is required if the applicant proposes to use:

- amplified sound, including use of the school sound system
- concessionaires/vendors
- tents
- street banners
- special parking conditions
- events with 500 or more attendees
- commercial filming

7. PARKING REQUIREMENTS

- All vehicles on the MBAC premises during a scheduled event must obey parking regulations.
- Events with estimated attendance that necessitates special parking conditions will be required to apply for a SEP and meet the parking conditions of the SEP for mitigating parking impacts.
- The applicant must notify the Newport Beach Police Department Traffic Office at 949-644-3742 of large events (attendance of 500 or more).
- The applicant is encouraged to notify all attendees that illegally parked vehicles will be ticketed.

8. CITY STAFF

- City staff will be assigned to be present at all non-school programs/activities. Staff shall be responsible for and have complete authority over the MBAC, all equipment, participants and activities. Staff shall have the authority to request changes in activities or cessation of activities, and all participants and attendees are required to comply with requests or instructions from staff.
- When, in the opinion of the Director, event conditions warrant the presence of additional City staff, the cost of such service shall be borne by the applicant.

9. SECURITY PERSONNEL

- If, in the opinion of the Director, an event condition warrants the presence of one or more security personnel, the cost of such service shall be borne by the applicant. Said security personnel must be employees of a professional security company.
- If, after proof of the engagement of security personnel has been submitted to the Recreation & Senior Services Department, said security is not present on date of event, City staff may require the group to discontinue activity and leave the premises.

10. FOOD REGULATIONS

- Food and beverages are permitted only if requested in the application and only in designated approved areas.
- Applicant must declare on the application any food concessionaire requesting to conduct business at the event. Each concessionaire must provide proof of a City of Newport Beach Business License prior to the event date. If food concessionaires are present, a City SEP (see Section 6) and applicable Orange County Health Department Permit(s) are required.

NO ALCOHOLIC BEVERAGES OR GLASS CONTAINERS ARE ALLOWED ON THE PREMISES!

11. VENDORS

- Vendors are permitted only if requested in the application and only in designated approved areas.
- Applicant must declare on the application any vendor requesting to conduct business at the event. Each vendor must provide proof of a City of Newport Beach Business License prior to the event date. If vendors are present, a City SEP is required (see Section 6.)

12. CLEAN UP

- Applicant is responsible for completing cleanup of the MBAC prior to leaving the premises.
- Applicant will be contacted by the Newport-Mesa Unified School District regarding specific janitorial and cleanup requirements for the event and any fees therefor.

- The MBAC must be left in the exact condition it was received, including restrooms, bleachers, office/rooms, pool and deck and parking lot. If deemed necessary by the City and/or School District, the applicant may be subject to additional cleaning or equipment replacement fees.

13. CODE OF CONDUCT

All participants and attendees shall exhibit appropriate behavior at all times while participating, being a spectator, or attending any program or activity conducted, sponsored or permitted by the City of Newport Beach Recreation and Senior Services Department. Applicant shall ensure that all attendees at its event adhere to this Code of Conduct.

Participants and attendees shall:

- Be respectful to all participants, attendees and City staff.
- Follow directions from City staff.
- Not use abusive or foul language.
- Not cause bodily harm to self or others or engage in unwanted physical contact with others.
- Not damage equipment, supplies and facilities.
- Not harass City staff, instructors, participants or other attendees.

The City of Newport Beach Recreation & Senior Services Department strives to make your participation fun-filled, rewarding, educational and safe. Failure to follow these rules may result in denial of MBAC rental or program participation privileges.